

SIKKIM

GOVERNMENT

GAZETTE



**EXTRAORDINARY
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No. 242

**GOVERNMENT OF SIKKIM
HOME DEPARTMENT
GANGTOK**

No.51 /Home/2014

Dated:- 7.06. 2014

NOTIFICATION

In pursuance to the directions issued by the Hon'ble Supreme Court of India in Criminal Appeal No. 1485 of 2008 in the matter of "State of Gujarat-Vs-Kishanbhai etc", the State Government is hereby pleased to issue the following directions for strict compliance to ensure that acquittals in criminal cases are reduced and the cause of justice is served to the victim by ensuring conviction of the accused for crimes committed and also to infuse a sense of seriousness in the performance of Investigating and Prosecution officials.

1. On completion of investigation in criminal cases, the prosecuting agency has to apply its independent mind and rectify all short comings, and if necessary remove those by further investigation. The charge sheet therefore must be thoroughly scrutinized at the District Headquarters before it is forwarded to the Court including by the Learned Public Prosecutors/Assistant Public Prosecutors in important cases.
2. That all evidence gathered during investigation is truly and faithfully utilized and the relevant witnesses are listed and their presence is ensured during the trial of the cases so that prosecuting agency is able to successfully prove the case.
3. All orders of acquittal shall be examined by a Standing Committee of senior officer of Police Department and Prosecution to analyze the case and ascertain the mistakes

committed during investigation and/or prosecution or both consisting of the following members namely:

1. Inspector General of Police/Law and Order.
 2. Deputy Inspector General of Police/Range.
 3. Superintendent of Police/Prosecution.
 4. Senior Public Prosecutor/Public Prosecutor, East District.
 5. Law Officer/Police Department.
4. The Committee shall also make recommendation for course content of refresher training the programmes for senior investigating/Prosecuting officials. This training programme has to be put in place within a period of 6 (six) months.
5. Appropriate departmental action is to be initiated against concerned investigation/Prosecuting officials in all criminal cases of acquittal where the acquittal is on account of blame worthy lapses by the concerned officials. Obvious and willful acts of omission and commission by the investigating officials leading to acquittal of cases shall invite disciplinary action.

By order and in the name of the Governor.

**S.C.GUPTA, IAS
PRINCIPAL SECRETARY
HOME DEPARTMENT
GOVERNMENT OF SIKKIM
F. NO. Home/Confdl./111/2014/14**